

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

BRIAN L. SAULSBERRY,

Plaintiff,

V.

164TH TN AIR NATIONAL GUARD, ET AL.,

Defendants.

No. 24-cv-2149-MSN-tmp

ORDER DIRECTING PLAINTIFF TO FILE A PROPERLY COMPLETED
IN FORMA PAUPERIS AFFIDAVIT OR PAY THE CIVIL FILING FEE

On March 7, 2024, plaintiff Brian L. Saulsberry, a resident of Germantown, Tennessee, filed a *pro se* complaint along with a Shelby County affidavit of indigency form. (ECF Nos. 1 & 3.)

Federal law provides that the clerk of each district court shall require parties instituting any such civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$405.¹ 28 U.S.C. § 1914(a) To ensure access to the courts, however, 28 U.S.C. § 1915(a) permits an indigent plaintiff to avoid payment of filing fees by filing an *in forma pauperis* affidavit. Under that section, the Court must conduct a satisfactory inquiry into the plaintiff's ability to pay the filing fee and prosecute the lawsuit. A plaintiff seeking *in forma pauperis* standing must respond fully to the questions on the Court's *in forma*

¹28 U.S.C. § 1914(a) requires a civil filing fee of \$350. However, pursuant to § 1914(b), “[t]he clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.” The Judicial Conference has prescribed, effective December 23, 2023, an additional administrative fee of \$55 for filing any civil case, except for cases in which the plaintiff is granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915.

pauperis form and execute the affidavit in compliance with the certification requirements contained in 28 U.S.C. § 1746. *See, e.g., Reynolds v. Federal Bur. of Prisons*, 30 F. App'x 574 (6th Cir. 2002); *Broque v. Fort Knox Fed. Credit Union*, No. 86-1896, 1997 WL 242032 (6th Cir. May 8, 1997).

In this case, the Plaintiff has submitted the Shelby County affidavit which does not provide the Court with sufficient financial information to determine if he is unable to pay the civil filing fee. Therefore, the Plaintiff is ORDERED to either submit a properly completed non prisoner application to proceed *in forma pauperis* or pay the \$405 civil filing fee within thirty (30) days of the date of this order. The Clerk shall send the Plaintiff a copy of this Court's non-prisoner application to proceed *in forma pauperis* along with this order. Failure to comply with this order in a timely manner will result in the dismissal of the action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

So ORDERED this 8th day of March, 2024.

s/Tu M. Pham
TU M. PHAM
CHIEF UNITED STATES MAGISTRATE JUDGE